

ORDINANCE NO. 12-46

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW AN OVERSIZED CARPORT WITH 603.41 SQUARE FEET IN TOTAL FLOOR AREA, WHERE A MAXIMUM OF 400 FEET IS ALLOWED; ALLOW A REAR SETBACK OF 2.70 FEET AND A WEST SIDE SETBACK OF 2.70 FEET, WHERE 7.5 FEET ARE REQUIRED, FOR TWO STORAGE SHEDS OF APPROXIMATELY 125 SQUARE FEET EACH, CONTRA TO HIALEAH CODE §§ 98-501, 98-502 AND 98-1669. **PROPERTY LOCATED AT 390 EAST 65 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of February 25, 2009 recommended approval of this ordinance; and

WHEREAS, the petitioner proffers to legalize the carport and keep it open on all three sides at all times, to which the City accepts.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The below-described property is hereby granted a variance permit to allow an oversized carport with 603.41 square feet in total floor area, where a maximum of 400 square feet is allowed, to allow a rear setback of 2.70 feet and a west side setback of 2.70 feet, where 7.5 feet are required, for two storage sheds each

approximately 125 square feet in size, contra to Hialeah Code §§ 98-501, 98-502 and 98-1669, which provide in pertinent part: “ There shall be side yards , the width of each to be not less than ten percent of the average width of the lot”, “In the R-1 one-family district, every principal residential building shall provide a rear yard of a minimum depth of 20 feet to a rear lot line or front of accessory building, and every accessory building shall provide a rear yard with a minimum depth of 7 ½ feet.” and “No such carport shall ...contain floor space greater than 400 square feet in area”, respectively. Property located at 390 East 65 Street, Hialeah, Miami-Dade County, Florida, zoned R-1 (One Family District), and legally described as follows:

LOT 14 LESS THE WEST 10 FEET AND LESS THE SOUTH 30 FEET AND LOT 15 LESS THE SOUTH 30 FEET, IN BLOCK 2, OF SARATOGA HEIGHTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 11, PAGE 27, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the

city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

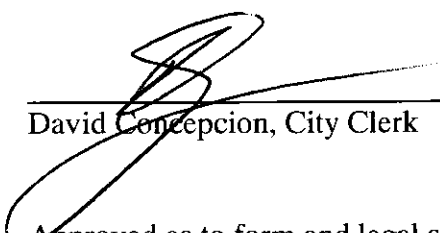
PASSED and ADOPTED this 28th day of August, 2012.

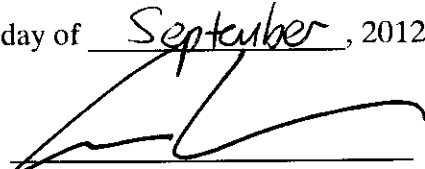
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Isis Garcia-Martinez
Council President

Attest:

Approved on this 2 day of September, 2012.


David Concepcion, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".